

House Amendment 1224

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1 1 Amend House File 595 as follows:
1 2 #1. Page 1, by inserting after line 19, the
1 3 following:
1 4 ____. Section 368.4, Code 2003, is amended to
1 5 read as follows:
1 6 368.4 ANNEXING MORATORIUM.
1 7 A city, following notice and hearing, may by
1 8 resolution agree with another city or cities to
1 9 refrain from annexing specifically described territory
1 10 for a period not to exceed ten years and, following
1 11 notice and hearing, may by resolution extend the
1 12 agreement for subsequent periods not to exceed ten
1 13 years each. Notice of a hearing shall be served by
1 14 regular mail at least thirty days before the hearing
1 15 on the city development board, and on the board of
1 16 supervisors of the county in which the territory is
1 17 located, and on all persons owning land within the
1 18 area subject to the agreement and shall be published
1 19 in an official county newspaper in each county
1 20 containing a city conducting a hearing regarding the
1 21 agreement, in any county within two miles of any such
1 22 city, and in an official newspaper of each city
1 23 conducting a hearing regarding the agreement. The
1 24 notice shall include the time and place of the
1 25 hearing, describe the territory subject to the
1 26 proposed agreement, and the general terms of the
1 27 agreement. After passage of a resolution by the
1 28 cities approving the agreements, a copy of the
1 29 agreement and a copy of any resolution extending an
1 30 agreement shall be filed with the city development
1 31 board within ten days of enactment. If such an
1 32 agreement is in force, the board shall dismiss a
1 33 petition or plan which violates the terms of the
1 34 agreement.>
1 35 #2. Page 2, by striking lines 3 through 8, and
1 36 inserting the following: <hearing for all affected
1 37 property owners and the county. Public land may be
1 38 included in the>.
1 39 #3. Page 3, line 26, by inserting after the word
1 40 the following: <unless the adjoining
1 41 property is in a city>.
1 42 #4. Page 4, by striking lines 17 and 18, and
1 43 inserting the following: <considering such an
1 44 annexation application, the board may request that the
1 45 annexing city provide information on the amount of
1 46 land located in the>.
1 47 #5. Page 4, by inserting after line 21, the
1 48 following:
1 49 ____. Section 368.11, Code 2003, is amended
1 50 by adding the following new subsection:
2 1 NEW SUBSECTION. 14. In the case of an annexation,
2 2 a plan for extending municipal services to be provided
2 3 by the annexing city to the annexed territory within
2 4 three years of July 1 of the fiscal year in which city
2 5 taxes are collected against property in the annexed
2 6 territory.>
2 7 #6. Page 5, line 6, by striking the word
2 8 and inserting the following: 2 9 after receiving notice that>.
2 10 #7. Page 5, line 7, by striking the words 2 11 submitted to> and inserting the
following: 2 12 filed with>.
2 13 #8. Page 5, by inserting before line 20, the
2 14 following:
2 15 ____. Section 368.25, Code 2003, is amended
2 16 to read as follows:
2 17 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.
2 18 Prior to expiration of the three-year period
2 19 established in section 368.11, subsection 14, the
2 20 annexing city shall submit a report to the board
2 21 describing the status of the provision of municipal
2 22 services identified in the plan required in section
2 23 368.11, subsection 14. If a city fails to provide
2 24 municipal services, or fails to show substantial and
2 25 continuing progress in the provision of municipal
2 26 services, to territory involuntarily annexed,

2 27 according to the plan for extending municipal services
2 28 filed pursuant to section 368.11, subsection 14,
2 29 within three years after city taxes are imposed in the
2 30 annexed territory the time period specified in that
2 31 subsection, the city development board shall may
2 32 initiate proceedings to sever the annexed territory
2 33 from the city. The board shall notify the city of the
2 34 severance proceedings and shall hold a public hearing
2 35 on the proposed severance. The board shall give
2 36 notice of the hearing in the same manner as notice of
2 37 a public meeting in section 368.11. The board may
2 38 order severance of all or a portion of the territory
2 39 and the order to sever is not subject to approval at
2 40 an election. However, a A city may appeal to
2 41 that the board for allow up to an additional three
2 42 years to provide municipal services if good cause is
2 43 shown. A petition for severance filed pursuant to
2 44 this section shall be filed and acted upon in the same
2 45 manner as a petition under section 368.11. As an
2 46 alternative to severance of the territory, the board
2 47 may impose a moratorium on additional annexation by
2 48 the city until the city complies with its plan for
2 49 extending municipal services. For purposes of this
2 50 section, "municipal services" means services selected
3 1 by a landowner to be provided by the city, including,
3 2 but not limited to, water supply, sewage disposal,
3 3 street and road maintenance, and police and fire
3 4 protection, if the provision of such services is
3 5 within the legal authority of the annexing city
3 6 included in the plan required by section 368.11,
3 7 subsection 14, for extending municipal services.>

3 8 #9. Page 5, by striking lines 22 through 29 and
3 9 inserting the following:
3 10 3 11 condition or activity occurring on protected farmland
3 12 or regulates a person who owns or operates protected
3 13 farmland is unenforceable against the owner or
3 14 operator of the protected farmland for a period of ten
3 15 years from the effective date of the annexation, to
3 16 the extent the city ordinance or regulation is more
3 17 stringent than county legislation. Section 335.2
3 18 shall apply to the protected farmland until the owner
3 19 of the protected farmland determines that the land
3 20 will no longer be operated as an agricultural
3 21 operation. Any enforcement activity conducted in
3 22 violation of this section is void.

3 23 A "condition or activity occurring on protected
3 24 farmland" includes but is not limited to the raising,
3 25 harvesting, drying, or storage of crops; the marketing
3 26 of products at roadside stands or farm markets; the
3 27 creation of noise, odor, dust, or fumes; the
3 28 production, care, feeding, or housing of animals
3 29 including but not limited to the construction,
3 30 operation, or management of an animal feeding
3 31 operation, an animal feeding operation structure, or
3 32 aerobic structure, and to the storage, handling, or
3 33 application of manure or egg washwater; the operation
3 34 of machinery including but not limited to planting and
3 35 harvesting equipment, grain dryers, grain handling
3 36 equipment, and irrigation pumps; ground and aerial
3 37 seeding and spraying; the application of chemical
3 38 fertilizers, conditioners, insecticides, pesticides,
3 39 and herbicides; and the employment and use of labor.

3 40 For the purposes of this section, "protected
3 41 farmland" means land that is part of a century farm as
3 42 that term is defined in section 403.17, subsection 10.
3 43 "County legislation" means any ordinance, motion,
3 44 resolution, or amendment adopted by a county pursuant
3 45 to section 331.302.>

3 46 #10. By renumbering, redesignating, and correcting
3 47 internal references as necessary.

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